

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Wednesday, July 11, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #06-018

Subject Property Information

Name & Address Applicant:	Roy Ingram & Mary Bates 4101 62 nd Ave SW Great Falls, MT 59404
Property Owner:	Roy Ingram & Mary Bates 4101 62 nd Ave SW Great Falls, MT 59404
Geo Code:	02-3015-29-4-02-05-0000
Parcel Number:	0001986100
Existing Zoning:	Suburban Residential One (SR1) District
Legal Description:	Section 29, Township 20N, Range 03E
Requested Action and Purpose:	To build a personal shop/storage building on an undeveloped lot.
Total Land Area:	0.918 Acres
Adjacent Land Uses & Zoning:	North: Undeveloped/SR1 South: Residential/SR1 West: Undeveloped/SR1 East: 40 th St SW, Undeveloped/SR1
Current Land Use:	Vacant/Undeveloped
Applicable Regulations:	Section, 7.1.2.3 (1), Section 7.1.1.3 (4), and Section 10 of the Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Roy Ingram and Mary Bates, to build a storage building/shop on the

parcel of land located in the Castle Heights Subdivision to the west of 40th St SW in Section 29 Township 20N and Range 03E.

10.1 General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the “Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10” within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

10.4 Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Findings of Fact:

1. The property is in a Suburban Residential one (SR1) District. The proposed personal shop and storage building is allowed in the Suburban Residential One (SR1) District pursuant to Section, 7.1.2.3 (1), which reads, “*Uses permitted upon issuance of a Special Use Permit... accessory building/structure but without a principle use – residential use only; no commercial use allowed.*”

2. Roy Ingram and Mary Bates are the legal owners of the property where the personal shop/storage building is to be located.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal notice of the application and the public hearing was published in the *Great Falls Tribune* on July 1, 2018 and July 8, 2018. It was also mailed to surrounding neighbors with certified letters on June 27, 2018. At the time of writing this report, staff has received no comments.
5. A Special Use Permit may be revoked by the Cascade County Zoning Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.

Applicant: No impact to local traffic.

Staff: Planning staff does not anticipate a dramatic increase in traffic due to the approval of this SUP application.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: Will be serviced by NW Energy, Heat will be propane (green oil), water cistern and septic with drain field, no other impacts. Gore Hill Fire Department.

Staff: The applicant is proposing a personal building to be used for personal storage and a personal shop. The building would include a bathroom that will need approval from the City/County Health Department. Planning staff does not anticipate a positive or negative impact to the provision of services and utilities, including water and waste water, trash, and fire protection with the proposed building.

- c. Soil erosion and sedimentation.

Applicant: Positive drainage will be designed into building, no other effect.

Staff: This project will not likely adversely impact soil erosion and sedimentation.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: No impact.

Staff: With this structure being a personal building on private property, it will not likely have a positive or negative impact. The septic will need approval from the City/County Health Department.

- 3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: This building will have no impact to cause conflicts. It is for personal storage. Neighbors are in agreement.

Staff: Planning staff does not anticipate conflicts between surrounding property owners as a result of the proposed personal shop/storage building.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as

whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: Not applicable.

Staff: Planning staff does not believe the proposed building or use will have a positive or negative impact on the public health, safety, and general welfare of the community.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Yes, will be sided to match current building.

Staff: The proposed parcel of land is the adjoining parcel to the north of the applicant's residence.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but*

- not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
 - E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
 - F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
 - G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
 - H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
 - I. Encourage the growth of the agricultural economy.*
 - J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: Construction of this building will stimulate existing CC businesses through hiring to complete. Building will increase property taxes, thus proving more revenue for CC. Use of propane for heating as an alternate use of energy. Also plan on installing solar lights.

Staff: According to the application information provided, the proposed personal building would not positively or negatively impact Cascade Counties economy. The applicant's do plan to use a local business to construct their personal building. Staff feels that the proposed business is consistent with Goal 1 of the Cascade County Growth Policy.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. Assure clean air, clean water, a healthful environment and good community appearance.*
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: The construction of this building will complement our home as well as compliment good community appearance.

Staff: Staff believes the proposed personal building would not positively or negatively impact Cascade County's rural character or the community's historic relationship with the natural resource development.

GOAL 3: Maintain Agricultural economy

- A. Protect the most productive soil types.*
- B. Continue to protect soils against erosion.*
- C. Protect the floodplain from non-agricultural development.*
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: Our building is designed to ensure positive drainage thus minimizing soil erosion.

Staff: The proposed structure should not have a positive or negative impact on productive soil types or soil erosion. According to the FEMA map, the parcel is not located in the Special Flood Hazard Area. The proposed personal building will not impact Cascade County's value-added agricultural industry.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. Promote the location of additional military missions in Cascade County.*
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: The building of this facility will not adversely affect current or future military missions. As current landowners, we are both retired from the military and are strong supporters.

Staff: Mr. Ingram's proposed personal building would not positively or negatively impact the presence of the US Military in Cascade County. The proposed parcel of land is over eight (8) miles away from Malmstrom Air Force Base. The parcel is not in the vicinity of a Missile Launch Facility.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: To foster fire prevention our goal will be to keep all vegetation well maintained. We will also work with local Gore Hill Fire Department to inspect and review for fire prevention practices.

Staff: The property is located within the Gore Hill Volunteer Fire Department's jurisdiction. The proposed personal shop/storage building should not positively or negatively impact the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No response.

The Municipal and Joint Land Use Plans incorporated by the Growth Policy were set up to ensure communication takes place between Malmstrom Air Force Base and the Cascade County Planning Division where projects may have an impact on MAFB operations. The regulations pertain to construction activity around Missile Alert Facilities or Launch Facilities, and the height of development around the Height Military Overlay District. Mr. Ingram and Ms. Bate's proposed location for their personal building is not within the regulatory one-thousand (1,000) feet of any of these critical facilities.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

From the application information submitted, Mr. Ingram's proposed personal shop/storage building will not be more objectionable to nearby properties than current allowed uses within the Rural Residential Two district.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the construction of a personal shop/storage building on the property legally described as parcel #0001986100 and Geocode 02-3015-29-4-02-05-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board to adopt the staff report and **approve** the Special Use Permit to allow the construction of a personal shop/storage building on the property legally described as parcel #0001986100 and Geocode 02-3015-29-4-02-05-0000, subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The applicant obtains an approach permit off 40th ST SW.
3. The applicant must obtain approval for their water, wastewater, and septic for the City/County Health Department.

Attachments:

- Special Use Permit Application, Staff Report.
- Vicinity Map

c: Roy Ingram & Mary Bates